

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

ALLEN E. VAUGHN, JR.,)
Plaintiff,)
vs.) 1:11-cv-0979-JMS-TAB
INDIANA DEPT. OF CORRECTION, et al.,)
Defendants.)

Entry Discussing Request to Proceed on Appeal *in forma pauperis*

I.

A.

An appeal may not be taken *in forma pauperis* if the trial court certifies that the appeal is not taken in good faith. 28 U.S.C. § 1915; *see Coppedge v. United States*, 369 U.S. 438 (1962). "Good faith" within the meaning of § 1915 must be judged by an objective, not a subjective, standard. *Id.* There is no objectively reasonable argument which the plaintiff could present to argue that the disposition of this action was erroneous—nor does his request for leave to proceed on appeal *in forma pauperis* even suggest such an argument. In pursuing an appeal, the plaintiff "is acting in bad faith . . . [because] to sue in bad faith means merely to sue on the basis of a frivolous claim, which is to say a claim that no reasonable person could suppose to have any merit." *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000).

B.

Apart from the foregoing discussion, and as is well known by the plaintiff, he is ineligible to proceed on appeal *in forma pauperis* by virtue of the barriers created by 28 U.S.C. § 1915(g). This was fully explained to the plaintiff in the Entry of July 28, 2011.

II.

Based on the foregoing, therefore, the plaintiff's request for leave to proceed on appeal *in forma pauperis* (dkt 21) is **denied**.

IT IS SO ORDERED.

Date: 12/16/2011



Hon. Jane Magnus-Stinson
United States District Court
Southern District of Indiana

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